# City of Lafayette Staff Report

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| **To:** | City Council and Redevelopment Agency |
| **From:** | Joanne Robbins, City Clerk |
| **Date:** | May 20, 2009 |
| **Meeting Date:** | **April 13, 2009** |
| **Subject:** | Update to the Records Retention and Destruction Schedule |

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**Introduction:**

In 1997 Council adopted Resolution 66-97 authorizing the City Manager and Department Directors to destroy certain City records after they are no longer required and to transfer records with historical significance to the Lafayette Historical Society for review, retention or disposal. The regulation sets out the time period for retaining records, the conditions for disposal of records that are no longer needed for City operations and provides for a deposit of historical records with the Historical Society. Historical records are any City record that has fulfilled the requirements for destruction, that are not required to be shredded and that may have historical significance.

The City maintains an optical disk system that is used to scan and store certain City records. Government Code Section 34090.5 authorizes the destruction of a record if: (1) it has been recorded on optical disk, or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document, (2) reproductions of the record are made accessible to the public for reference, and (3) a copy of the optical disk or other medium is kept in a safe and separate place for security purposes. The attached retention schedules incorporate the use of the optical disk system where appropriate.

City staff has recently updated the the City's records retention and destruction schedules to reflect the current types of documents and various formats in which City records are created and stored. The updated schedules include schedules for Redevelopment Agency records. The City Clerk requests approval of the updated schedules to enhance our ability to manage disposal and retention of City and Redevelopment Agency records.

**Fiscal Impact:** There is no fiscal impact from adoption of the updated retention schedules.

**Recommendation:** Adopt Resolution 2009-37 Update to the City Records Retention and Destruction Schedule. Adopt Resolution R2009-05 Update to the Agency Records Retention and Destruction Schedule.

**BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE**
**IN THE MATTER OF:**

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| Authorizing the City Manager and Department Directors To Destroy Certain City Records after the Same Are No Longer Required and to Transfer Records Which Have Historical Significance to the Lafayette Historical Society For Its Review, Retention, or Disposal | ) ) ) ) ) ) | Resolution 2009-37 |

WHEREAS, sound management of records includes not only proper indexing, storage, retrieval, and maintenance procedures but also provision for destruction of records which are no longer required for City purposes and which are not required by statute to be retained, and

WHEREAS, Government Code Section 34090 authorizes City Department Heads, upon the approval of City Council by resolution and upon written consent of the City Attorney, to destroy certain City records, documents, instruments, books, or paper, under the charge of the Department Head, without making a copy thereof, after the same are no longer required, provided that certain records are exempt from such destruction, and

WHEREAS, Section 34090.5 authorizes City officers having custody of public records to destroy a record if it has been recorded on optical disk or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document, if reproductions therefrom are made accessible to the public for reference, and if a copy of the optical disk or other medium is kept in a safe and separate place for security purposes, and

WHEREAS, Section 34090.7 authorizes the City Council to prescribe a procedure under which duplicates of city records, less than two years old, may be destroyed if they are no longer needed, and

WHEREAS, the City Council previously adopted Resolution No. 66-97 which authorized the destruction of certain City records as provided by Section 34090; and

WHEREAS, the City Council recognizes the City's need to update its records retention and destruction procedures from time to time; and

WHEREAS, the City's Records Retention and Destruction Schedules (the "Schedules"), attached hereto as Exhibit "A" and incorporated herein, have been updated to provide the procedures and timeframes for the retention and destruction process for City records on a continual basis and the City Attorney has given written consent to such retention and destruction of records as set out in the Schedules, and

WHEREAS, it is desirable to make provision for proper disposition of City records which may have historical significance;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lafayette that it does hereby approve the Schedules as set out and authorizes the Manager and the Directors of the City Departments having custody over the records to retain and destroy the records upon fulfillment of the time periods and conditions set out in the Schedules.

IT IS FURTHER RESOLVED that any City record which has fulfilled the requirements for destruction, is not required to be shredded, and which may have historical significance, shall be offered to the Lafayette Historical Society for its review, retention, or disposal.

IT IF FURTHER RESOLVED that Resolution No. 66-97 is hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Lafayette at a regular meeting of said Council on _____by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

_____
Don Tatzin, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk

EXHIBIT "A"

Records Retention and Destruction Schedules

[Attached]

**BEFORE THE LAFAYETTE REDEVELOPMENT AGENCY**
**IN THE MATTER OF:**

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|---|---|---|
| Authorizing the Executive Director<br>To Destroy Certain Agency Records after the Same Are<br>No Longer Required and to Transfer Records Which<br>Have Historical Significance to the Lafayette Historical<br>Society For Its Review, Retention, or Disposal | ) | Resolution R2009-05 |

WHEREAS, sound management of records includes not only proper indexing, storage, retrieval, and maintenance procedures but also provision for destruction of records which are no longer required for City purposes and which are not required by statute to be retained, and

WHEREAS, Government Code Section 34090 authorizes Department Heads, upon the approval of City Council by resolution and upon written consent of the City Attorney, to destroy certain City records, documents, instruments, books, or paper, under the charge of the Department Head, without making a copy thereof, after the same are no longer required, provided that certain records are exempt from such destruction, and

WHEREAS, Section 34090.5 authorizes City officers having custody of public records to destroy a record if it has been recorded on optical disk or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document, if reproductions therefrom are made accessible to the public for reference, and if a copy of the optical disk or other medium is kept in a safe and separate place for security purposes, and

WHEREAS, Section 34090.7 authorizes the City Council to prescribe a procedure under which duplicates of city records, less than two years old, may be destroyed if they are no longer needed, and

WHEREAS, the City Council previously adopted Resolution No. 66-97 which authorized the destruction of certain City records as provided by Section 34090; and

WHEREAS, the City has updated its records retention and destruction program to include records of the Lafayette Redevelopment Agency; and

WHEREAS, the Agency's Records Retention and Destruction Schedules (the "Schedules"), attached hereto as Exhibit "A" and incorporated herein, provide the procedures and timeframes for the retention and destruction process for Agency records on a continual basis and the City Attorney has given written consent to such retention and destruction of records as set out in the Schedules, and

WHEREAS, it is desirable to make provision for proper disposition of Agency records which may have historical significance;

NOW, THEREFORE, BE IT RESOLVED by the Lafayette Redevelopment Agency that it does hereby approve the Schedules as set out and authorizes the Executive Director to retain and destroy the records upon fulfillment of the time periods and conditions set out in the Schedules.

IT IS FURTHER RESOLVED that any Agency record which has fulfilled the requirements for destruction, is not required to be shredded, and which may have historical significance, shall be offered to the Lafayette Historical Society for its review, retention, or disposal.

PASSED AND ADOPTED by the Lafayette Redevelopment Agency at a regular meeting of said Agency on _____ by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

_____
Don Tatzin, Chair

ATTEST:

_____
Joanne Robbins, Agency Secretary

EXHIBIT "A"

Records Retention and Destruction Schedules

[Attached]